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In re Application of:
Rodgers et al.
Serial No.: 09/658,315
Filed: September 8, 2000
Attorney Docket No.: 98.009-B1

DECISION ON PETITION TO
WITHDRAW THE HOLDING
OF ABANDONMENT

This is in response to applicants' petition under 37 CFR § 1.181(a) filed on September 11, 2003, requesting withdrawal of the holding of abandonment based on the timely filing of a response to the Office action mailed November 15, 2002. The delay in responding to this petition is regretted, however, it has only just been brought to the attention of the deciding authority.

A review of the file history shows that the examiner mailed an Office action to applicants on November 15, 2002, setting a three-month statutory time period for reply. On July 1, 2003, the examiner mailed a notice of abandonment for failure to respond to the outstanding Office action.

Applicants state that a timely response to the Office action was filed on February 10, 2003, as evidenced by the post card identifying the papers filed and showing a USPTO date-stamped receipt of February 10, 2003 and showing an express mail date of February 10, 2003.

In view of this evidence, applicants are considered to have submitted a timely reply.

Applicants' petition is **GRANTED** retroactively as the application is no longer in abandoned status.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

Bruce Kisliuk
Director, Technology Center 1600